

IC 34-47-4

Chapter 4. Contempt Citations and Writs of Attachment

IC 34-47-4-1

Service and return of citation

Sec. 1. (a) This section applies to any proceeding in any court of record and of original jurisdiction authorized or empowered by law to:

- (1) punish for contempts of court; or
- (2) enforce its orders by contempt proceedings;

whether the contempt proceedings are civil or criminal in nature.

(b) The court may order a citation issued to the sheriff of any county for service upon the person alleged to be guilty of contempt, or in violation of any order of the court to:

- (1) appear before the court at the time fixed in the citation; and
- (2) show cause why the person should not be punished for contempt of court.

(c) The citation shall be served by the sheriff to whom it is addressed in the same manner as summons is served in a civil proceeding and due return shall be made to the court issuing the citation.

As added by P.L.1-1998, SEC.43.

IC 34-47-4-2

Writ of attachment of the body of the person

Sec. 2. (a) For the purpose of procuring personal jurisdiction over a person who has allegedly violated a court order or who is otherwise in contempt of court, the court may issue a writ of attachment of the body of the person.

(b) A writ of attachment issued under subsection (a) shall:

- (1) be directed to a sheriff or assisting sheriff; and
- (2) fix an amount of:
 - (A) bail, if the order that the person has allegedly violated does not concern a child support obligation; or
 - (B) escrow, if the order that the person has allegedly violated concerns a child support obligation.

(c) A sheriff or assisting sheriff who receives an order under this section shall immediately:

- (1) serve the writ; and
- (2) take the person into custody.

A sheriff may serve a writ of attachment and take the person into custody in any county.

(d) If an assisting sheriff takes a person into custody, the assisting sheriff shall notify the sheriff. The sheriff, after notification, shall immediately return the person to the county in which the writ was issued and take the person before the court that issued the writ. However, the sheriff may release the person:

- (1) on bail as in criminal matters; or
- (2) after any person has deposited the amount of escrow in accordance with subsection (e).

- (e) The escrow shall be:
 - (1) deposited with the clerk of the court;
 - (2) an amount:
 - (A) fixed by the court; and
 - (B) not more than any delinquent child support allegedly owed by the person to another; and
 - (3) subject to a court ordered attachment for satisfaction of delinquent child support and interest under IC 31-14-12-1.
- (f) All escrow money collected under this section (or IC 34-4-9-2.1 before its repeal) by the clerk of the court shall be deposited into a single account. The clerk shall:
 - (1) keep an accounting of all money transferred to the escrow account;
 - (2) issue a receipt to any person who transfers money to the clerk under this section; and
 - (3) transfer money from the escrow account only under an order from the court that issued the writ of attachment under subsection (a).

As added by P.L.1-1998, SEC.43.

IC 34-47-4-3

Supplemental nature of chapter

Sec. 3. This chapter shall be construed as supplemental to all laws:

- (1) concerning contempts of courts and punishments for contempts of court; or
- (2) providing for the enforcement of the lawful order of any such court.

As added by P.L.1-1998, SEC.43.